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10/671,595	09/29/2003	Atsushi Sakurai	1341.1162	8549

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EXAMINER	
BOYCE, ANDRE D	

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,595	SAKURAI ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Non-Final office action is in response to Applicant's amendment filed May 6, 2008. Claims 1-6 have been amended. Claims 1-7 are pending.

2. Applicant's arguments filed May 6, 2008 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

With respect to independent claim 3 the claim language recites the steps of performing selectively, however the claim language does not include the required tie or transformation.

5. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 5 recites a computer program, however data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. See MPEP § 2106.01

6. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 6 recites a planning system, including a table of orders and a planning unit, however in order for a system claim to be statutory, there must be a physical system (i.e., hardware). Here, it is unclear whether the planning unit includes a physical system, and not simply software (i.e., computer program). See MPEP § 2106.01. In

addition, the Examiner notes that claim 7 is not rejected as a dependent claim, since the claim includes a database and engines.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Jenkins et al (US 2002/0188499).

As per claim 1, Jenkins et al disclose a computer program for realizing supply-demand planning in a supply chain (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013), the computer program making a computer execute: performing selectively one of a supply-demand planning per order (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and a supply-demand planning based on total amount of orders (i.e., alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048), depending upon switching information stored in correspondence to a base and an item in a table (i.e., depending on the source data, as seen in the source column, table 2, the system uses one of two styles of aggregation forecast or inventory, ¶¶ 0083-84), wherein the switching information is one of two distinct values

corresponding to the supply-demand planning per order (i.e., inventory aggregation), and the supply-demand planning based on total amount of orders (i.e., forecast aggregation), respectively (i.e., depending on the data, i.e., value, in a column the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, and wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086).

As per claim 2, Jenkins et al disclose calculating and accumulating all amounts of orders for the item to obtain the total amount of orders (i.e., planning component 210 processes all demand for a SKU, ¶ 0039).

As per claim 3, Jenkins et al disclose a method of supply-demand planning in a supply chain (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013), the method comprising performing selectively, depending upon the-switching information stored in correspondence to a base and an item (i.e., depending on the source data, as seen in the source column, table 2, the system uses one of two styles of aggregation forecast or inventory, ¶¶ 0083-84), a supply-demand planning per order (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) or a supply-demand planning based on total amount of orders (i.e., alternatively, the planning component 210 generates planned orders to cover

demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048), wherein the switching information is one of two distinct values corresponding to the supply-demand planning per order (i.e., inventory aggregation), and the supply-demand planning based on total amount of orders (i.e., forecast aggregation), respectively (i.e., depending on the data, i.e., value, in a column the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, and wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086).

Claim 4 is rejected based upon the same rationale as the rejection of claim 1, since claim 4 corresponds substantially to claim 1.

As per claim 5, Jenkins et al disclose a computer program for making supply-demand planning for each base (i.e., destination and/or source, ¶ 0039) in a supply chain (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013) in which a plurality of bases are cascaded (i.e., higher level SKUs consisting of a plurality of source SKUs, ¶ 0039), the computer program making a computer to execute: processing a procurement-driven planning in which the supply-demand planning is made for a plurality of bases associated with an order unit (i.e., planning component 210 processes all demand for a SKU, including higher level SKUs that have a plurality of sources, ¶ 0039); processing a manufacturing-driven planning in which the supply-demand planning is

made based on a total amount of orders for a specific base (i.e., the planning component adjusts scheduling based upon total shipments for a source, ¶¶ 0044-45); and making the supply-demand planning for the whole supply chain by selectively (i.e., depending on data, the system uses one of two styles of aggregation forecast or inventory, ¶¶ 0083-84) using one of the procurement-driven planning (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and the manufacturing-driven planning (i.e., alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048) based on switching information that is stored with a combination of a base and an item (i.e., level of each SKU and planned arrivals/orders, ¶ 0039), wherein the switching information is one of two distinct values corresponding to the procurement-driven planning (i.e., inventory aggregation), and the manufacturing-driven planning (i.e., forecast aggregation), respectively (i.e., depending on the data, i.e., value, in a column the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, and wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086).

As per claim 6, Jenkins et al disclose a supply-demand planning system (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013) comprising: a table of orders (i.e., sourcing table in database 600, wherein planning component 210 determines a level for each SKU, including destinations and sources that replenish the SKU, ¶ 0039), each order being directed to an item and an entity storing or producing the item within a supply chain, and including switching information having a first value for a procurement-driven supply-demand planning (i.e., inventory aggregation, wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086) and a second value for a manufacturing-driven supply-demand planning (i.e., forecast aggregation, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, ¶¶ 0084-86); and a planning unit that generates a supply-demand plan according to one of the procurement-driven supply-demand planning (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and the manufacturing-driven supply-demand planning depending on the switching information (i.e., alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048).

As per claim 7, Jenkins et al disclose at least one of: a database storing data related to entities in the supply chain and items produced or stored therein (i.e., database 600, ¶ 0019); and a procurement-driven engine and a management-driven engine controlled by the planning unit to make the supply-demand plan (i.e., distribution module 200, ¶ 0027).

Response to Arguments

9. In the Remarks, with respect to claim 1, Applicant argues that Jenkins et al does not teach or disclose performing selectively one of a supply-demand planning per order and a supply-demand planning based on total amount of orders, depending upon switching information stored in correspondence to a base and an item in a table, because "data contained in a column" of Jenkins is not the same as the recited switching information, and aggregation forecast or inventory is not the same as the supply-demand planning per order or the supply-demand planning based on total amount of orders. The Examiner respectfully disagrees. First, the Examiner notes, that as seen in the claim language, the switching information is simply one of two distinct "values." Similarly, Jenkins et al discloses depending on the data in a column (i.e., the data necessarily corresponds to a distinct value) the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation (i.e., supply-demand planning based on total amount of orders) is used in situations where data represents information at a particular point in time, such as demand or planned orders, and wherein inventory aggregation (i.e., supply-demand planning

per order) is used where the data represents information at the beginning or ending of each time period (¶¶ 0084-0086). As such, and contrary to Applicant's assertion, the content of the data (i.e., distinct value) contained in a column is indeed a determinative factor regarding the style of aggregation.

Applicant also argues that the outstanding Office Action takes the position that the supply-demand planning per order and on total amount of orders respectively are anticipated by Jenkins' disclosure in paragraph [0048] as "to cover demand that occurs" and "any demand that occurs within a period is aggregated together and met with a single planned order," respectively. This position is inconsistent with to the following assertions relative to the alleged switching information yielding a selection between aggregation forecast or inventory. The Office Action indicates as corresponding to the supply-demand planning per order and on total amount of orders, respectively, four different categories among which any logical connection is missing. In fact, none of the indicated categories anticipate the supply-demand planning per order and on total amount of orders, respectively.

The Examiner respectfully disagrees. Contrary to Applicant's assertions, the Office Action has taken a clearly consistent position. As seen in the above rejection, Jenkins et al discloses the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, wherein, alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048. As

one of ordinarily skill in the art would recognize, ¶ 0048 of Jenkins et al is simply describing both inventory aggregation and forecast aggregation as planning options that planning component 210 may employ.

With respect to claim 4, and contrary to Applicant's assertion, the Office Action indeed gives full consideration to all the claim language found in claim 4, since claim 4 corresponds substantially to claim 1, wherein the claim language is worded slightly differently.

With respect to claim 5, Applicant argues that Jenkins et al fails to disclose "making includes maintaining a stock above a safety stock when manufacturing-driven planning is performed," however that feature does not appear in the amended claim language, making the argument moot. Moreover, Jenkins et al teaches all the limitations of claim 5, as seen in the above rejection.

With respect to claims 6 and 7, Applicant argues that Jenkins et al does not anticipate "a table of orders, each order relating to an item and an entity storing or producing the item within a supply chain, the order including switching information related to either a procurement-driven supply-demand planning or a manufacturing-driven supply-demand planning" as recited in claim 6. Moreover, Applicant argues that Jenkins fails to disclose "a planning unit that generates a supply-demand plan according to the procurement-driven supply-demand planning or the manufacturing-driven supply-demand planning associated with the switching information."

The Examiner respectfully disagrees. First, it is noted that as discussed with respect to claim 1, above Jenkins et al discloses depending on the data in a column

(i.e., the data necessarily corresponds to a distinct value) the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation (i.e., supply-demand planning based on total amount of orders) is used in situations where data represents information at a particular point in time, such as demand or planned orders, and wherein inventory aggregation (i.e., supply-demand planning per order) is used where the data represents information at the beginning or ending of each time period (¶¶ 0084-0086). In addition, and specifically with respect to claim 6, Jenkins et al disclose a supply-demand planning system (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013) comprising: a table of orders (i.e., sourcing table in database 600, wherein planning component 210 determines a level for each SKU, including destinations and sources that replenish the SKU, ¶ 0039), each order being directed to an item and an entity storing or producing the item within a supply chain, and including switching information having a first value for a procurement-driven supply-demand planning (i.e., inventory aggregation, wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086) and a second value for a manufacturing-driven supply-demand planning (i.e., forecast aggregation, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, ¶¶ 0084-86); and a planning unit that generates a supply-demand plan according to one of the procurement-driven supply-demand planning (i.e., the planning component 210 generates planned

orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and the manufacturing-driven supply-demand planning depending on the switching information (i.e., alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
August 15, 2008